

## **EXHIBIT A**



**U.S. Department of Justice**

**Michael J. Sullivan**  
*United States Attorney*  
*District of Massachusetts*

Main Reception: (617) 748-3100

John Joseph Moakley United States Courthouse  
Suite 9200  
1 Courthouse Way  
Boston, Massachusetts 02210

September 13, 2005

Paul V. Kelly, Esq.  
Kelly, Libby & Hoopes  
175 Federal Street  
Boston, MA 02110

Re: Joseph DiFlumera  
Criminal No. 04-40002

Dear Mr. Kelly:

This letter sets forth the Agreement between the United States Attorney for the District of Massachusetts ("the U.S. Attorney") and your client, Joseph DiFlumera ("Defendant"), in the above-captioned case. The Agreement is as follows:

1. Change of Plea

At the earliest practicable date, Defendant shall plead guilty to Counts 2 through 7 of the above-captioned Indictment: Crim. No. 04-40002. Defendant expressly and unequivocally admits that he in fact knowingly committed the crimes charged in Counts 2 through 7 of the Indictment, and is in fact guilty of those offenses.

*SECOND SUSPENDING*

The government also agrees to dismiss counts 1 and 8 through 11 of the Indictment at the time of sentence.

2. Penalties

Defendant faces the following maximum penalties on each count:

- a. 20 years' incarceration in the custody of the Attorney General;
- b. a fine of \$250,000;

- c. five years' supervised release; and
- d. a special assessment of \$100,00.

3. Sentencing Guidelines

The parties agree to jointly take the following positions at sentencing:

- (a) The base offense level is 6 pursuant to U.S.S.G. §2B1.1.
- (b) The specific offense characteristic §2B1.1(b)(1)(I) applies and results in an increase of 16 levels.
- (c) The specific offense characteristic §3B1.3 applies and results in an increase of 2 levels.

The U.S. Attorney's agreement that the disposition set forth below is appropriate in this case is based, in part, on Defendant's prompt acceptance of personal responsibility for the offense(s) of conviction in this case.

The U.S. Attorney specifically may, at his sole option, be released from his commitments under this Agreement, including, but not limited to, his agreement that paragraph 4 constitutes the appropriate disposition of this case, if at any time between his execution of this Agreement and sentencing, Defendant:

- (a) Fails to admit a complete factual basis for the plea;
- (b) Fails to truthfully admit his conduct in the offenses of conviction;
- (c) Falsely denies, or frivolously contests, relevant conduct for which Defendant is accountable under U.S.S.G. § 1B1.3;
- (d) Fails to provide truthful information about his financial status;
- (e) Gives false or misleading testimony in any proceeding relating to the criminal conduct charged in this case and any relevant conduct for which Defendant is accountable under U.S.S.G. § 1B1.3;
- (f) Engages in acts which form a basis for finding that Defendant has obstructed or impeded the

administration of justice under U.S.S.G. § 3C1.1;

- (g) Intentionally fails to appear in Court or violates any condition of release;
- (h) Commits a crime; and/or
- (i) Transfers any asset protected under any provision of this Agreement.

Defendant expressly understands that he may not withdraw his plea of guilty, unless the Court rejects this Agreement under Fed. R. Crim. P. 11(c)(5).

#### 4. Agreed Disposition

The U.S. Attorney and Defendant agree pursuant to Fed. R. Crim. P. 11(c)(1)(C) that the following is the appropriate disposition of this case:

- (a) a term of imprisonment of 46 months;
- (b) a fine that is within the guideline range as determined by the court at the time of sentence unless there is a finding that the defendant lacks sufficient funds to pay a fine ;
- (c) a mandatory special assessment of \$600; and
- (d) a term of supervised release of not more than two years.

The U.S. Attorney and Defendant agree that there is no basis for a departure from the sentencing range established by the United States Sentencing Guidelines, except as explicitly described in paragraph 3, above. Accordingly, neither the U.S. Attorney nor Defendant will seek a departure on any ground from the Sentencing Guidelines.

#### 5. Payment of Mandatory Special Assessment

Defendant agrees to pay the mandatory special assessment to the Clerk of the Court on or before the date of sentencing, unless Defendant establishes to the satisfaction of the Court that Defendant is financially unable to do so.

#### 6. Waiver of Rights to Appeal and to Bring Collateral Challenge

Defendant is aware that he has the right to challenge his sentence and guilty plea on direct appeal. Defendant is also aware that he may, in some circumstances, be able to argue that his plea should be set aside, or his sentence set aside or reduced, in a collateral challenge such as pursuant to a motion under 28 U.S.C. § 2255.

In consideration of the concessions made by the U.S. Attorney in this Agreement, Defendant knowingly and voluntarily waives his right to appeal or collaterally challenge:

- (1) Defendant's guilty plea and any other aspect of Defendant's conviction, including, but not limited to, any rulings on pretrial suppression motions or any other pretrial dispositions of motions and issues; and
- (2) The imposition by the District Court of the sentence agreed to by the parties, as set out in paragraph 4 and, even if the Court rejects one or more positions advocated by the parties with regard to the application of the U.S. Sentencing Guidelines.

In consideration of the concessions made by the U.S. Attorney in this Agreement, Defendant agrees not to seek to be sentenced or resentenced with the benefit of any successful collateral challenge of any counseled criminal conviction that exists as of the date of this Agreement.

Defendant's waiver of rights to appeal and to bring collateral challenges shall not apply to appeals or challenges based on new legal principles in First Circuit or Supreme Court cases decided after the date of this Agreement which are held by the First Circuit or Supreme Court to have retroactive effect.

This Agreement does not affect the rights or obligations of the United States as set forth in 18 U.S.C. § 3742(b), and the U.S. Attorney therefore retains his appeal rights.

7. Waiver of Hyde Amendment Claim

Defendant is aware that 111 Stat. 2440, 2520 (1997), the so-called "Hyde Amendment," authorizes courts in criminal cases to award to certain prevailing defendants attorneys' fees and other litigation expenses. In exchange for concessions made by the U.S. Attorney in this Agreement, Defendant voluntarily and knowingly

waives any claim that he might assert under this statute based in whole or in part on the U.S. Attorney's agreement in paragraph 1 to dismiss counts one and eight through eleven.

8. Probation Department Not Bound By Agreement

The sentencing disposition agreed upon by the parties and their respective calculations under the Sentencing Guidelines are not binding upon the United States Probation Office. Defendant's C plea will be tendered pursuant to Fed. R. Crim. P. 11(c)(1)(C). Defendant cannot withdraw his plea of guilty unless the sentencing judge rejects this Agreement. If the sentencing judge rejects this Agreement, this Agreement shall be null and void at the option of either the United States or Defendant. In this regard, Defendant hereby waives any defense to any charges which he might otherwise have under any statute of limitations or the Speedy Trial Act.

9. Information For Presentence Report

Defendant agrees to provide all information requested by the U.S. Probation Office concerning his assets.

10. Civil Liability

By entering into this Agreement, the U.S. Attorney does not compromise any civil liability, including but not limited to any tax liability, which Defendant may have incurred or may incur as a result of his conduct and his plea of guilty to the charges specified in paragraph one of this Agreement.

11. Withdrawal of Plea By Defendant

Should Defendant move to withdraw his guilty plea at any time, this Agreement shall be null and void at the option of the U.S. Attorney.

12. Breach of Agreement

If the U.S. Attorney determines that Defendant has failed to comply with any provision of this Agreement, has violated any condition of his pretrial release, or has committed any crime following his execution of this Agreement, the U.S. Attorney may, at his sole option, be released from his commitments under this Agreement in their entirety by notifying Defendant, through counsel or otherwise, in writing. The U.S. Attorney may also pursue all remedies available to him under the law, irrespective of whether he elects to be released from his commitments under this Agreement. Further, the U.S. Attorney may pursue any and all charges which

have been, or are to be, dismissed pursuant to this Agreement. Defendant recognizes that no such breach by him of an obligation under this Agreement shall give rise to grounds for withdrawal of his guilty plea. Defendant understands that, should he breach any provision of this agreement, the U.S. Attorney will have the right to use against Defendant before any grand jury, at any trial or hearing, or for sentencing purposes, any statements which may be made by him, and any information, materials, documents or objects which may be provided by him to the government subsequent to this Agreement, or pursuant to any proffer agreement without any limitation. In this regard, Defendant hereby waives any defense to any charges which he might otherwise have under any statute of limitations or the Speedy Trial Act.

13. Who Is Bound By Agreement

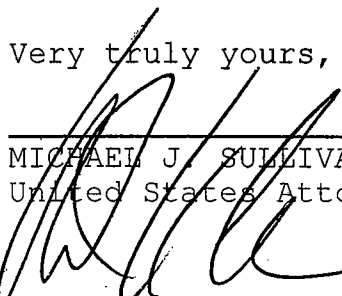
This Agreement is limited to the U.S. Attorney for the District of Massachusetts, and cannot and does not bind the Attorney General of the United States or any other federal, state or local prosecutive authorities.

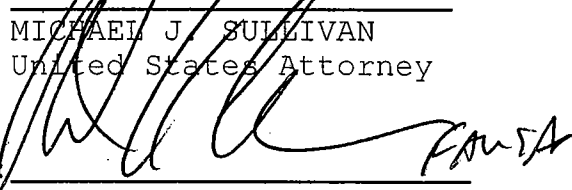
14. Complete Agreement

This letter contains the complete and only agreement between the parties relating to the disposition of this case. No promises, representations or agreements have been made other than those set forth in this letter and in the proffer letter dated September 9, 2003. This Agreement supersedes prior understandings, if any, of the parties, whether written or oral with the sole exception of those contained in the proffer letter dated September 9, 2003. This Agreement can be modified or supplemented only in a written memorandum signed by the parties or on the record in court.

If this letter accurately reflects the Agreement between the U.S. Attorney and Defendant, please have Defendant sign the Acknowledgment of Agreement below. Please also sign below as Witness. Return the original of this letter to Assistant U.S. Attorney Laura J. Kaplan.

Very truly yours,

  
\_\_\_\_\_  
MICHAEL J. SULLIVAN  
United States Attorney

By  *FMSA*  
\_\_\_\_\_  
LAURA J. KAPLAN, Chief  
Violent & Organized Crime  
Section

9/13/5

ACKNOWLEDGMENT OF PLEA AGREEMENT

I have read this letter in its entirety and discussed it with my attorney. I hereby acknowledge that it fully sets forth my agreement with the United States Attorney's Office for the District of Massachusetts. I further state that no additional promises or representations have been made to me by any official of the United States in connection with this matter. I understand the crimes to which I have agreed to plead guilty, the maximum penalties for those offenses and Sentencing Guideline penalties potentially applicable to them. I am satisfied with the legal representation provided to me by my attorney. We have had sufficient time to meet and discuss my case. We have discussed the charges against me, possible defenses I might have, the terms of this Plea Agreement and whether I should go to trial. I am entering into this Agreement freely, voluntarily, and knowingly because I am guilty of the offenses to which I am pleading guilty and I believe this Agreement is in my best interest.

\_\_\_\_\_  
Joseph DiFlumera  
Defendant

Date: \_\_\_\_\_



I certify that Joseph DiFlumera has read this Agreement and that we have discussed its meaning. I believe he understands the Agreement and is entering into the Agreement freely, voluntarily and knowingly.

\_\_\_\_\_  
Paul V. Kelly, Esq.  
Attorney for Defendant

Date:\_\_\_\_\_

**EXHIBIT B**

Attn: Mr. Paul Kelly  
and  
U.S.Court Judge Nathaniel Gorton

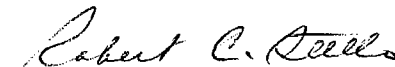
March 27, 2004

I have known Mr. DiFlumera since my arrival in Ormond Beach in January 1990 where we were neighbors. I am a retiree of the Central Intelligence Agency and believe that I am a fairly good judge of people. Mr. DiFlumera impresses me with his deep pride in family. He is also deeply religious and extremely generous with family and friends. As an example, when he returns to Massachusetts he regularly visits nursing homes where relatives are living and one special friend, Captain Jack Ferris who is a retired police officer from Worcester.

I am not familiar with Joe's business activities or his business associates. Having spent nearly thirty years with the federal government, I am not aware of how private businesses operate. I can only say that from a personal objective everybody should have a friend like Joe.

In conclusion I have found him to be honest and hard working.

Sincerely,

  
Robert C. Stello

Honorable Nathaniel M. Gorton  
John Joseph Moakley  
US Courthouse, Suite 5120  
1 Courthouse Way  
Boston, MA 02210

May 18, 2004

Dear Judge Gorton,

For well over thirty years, I have been blessed to have Mr. Joseph DiFlumera as one of my true friends. He is a real special person, very religious, hard working, honest, proud, generous and a good family man.

I am a retired Police Captain of thirty years from Worcester, MA. I am well aware of Joe's case in New Orleans as I counseled him on his plea agreement. He was a victim of circumstance.

Over the past ten years I have been in three different assisted living facilities. I have four children who I don't see but four or five times a year. Joe visits me on average of three to four times a month. He takes me out to eat, shops for food, and makes sure I have all I need. He cares for me better than my family. He assures

me of financial independence.

I don't believe the allegations made by the CEO of Victory Markets and I can assure you that Joe would not hurt a fly. Over the years Joe has confided in me on the problems and situations at Victory Markets, the CEO taking unauthorized money from the Real Estate Trust, as well as, having work done at his home and charging the company. I am also aware that the Uncle, Joe, one of the owners, filed charges against the CEO, his brothers and father. There is a lot more than meets the eye.

Your Honor, Joe is seventy years old, has a daughter with Down's Syndrome, lost one daughter a year ago to cancer, has another who is in remission and most importantly, he is not in good health. He is a good man and deserves your kind consideration. Thank you!



Sincerely and Respectfully Yours,  
Captain Jack Ferris, Retired

# THE INVESTIGATIVE GROUP, INC.

3939 Veterans Boulevard, Suite 215  
Metairie, LA 70002



Tommy Patterson, CFE  
Ann Cangelosi, CFE

*Licensed Private Investigators*

Tel.: 504-455-1955  
Fax: 504-455-1959

May 19, 2004

Honorable Nathaniel M. Gorton  
U. S. Courthouse Suite 5120  
1 Courthouse Way  
Boston, MA 02210

Dear Judge Gorton:

I am writing this letter on behalf of Mr. Joseph DiFlumera.

I was employed as an Internal Revenue Service Special Agent with the Criminal Investigation Division in New Orleans, Louisiana from 1971 until I retired in 1996. In 1987, I was one of the case agents investigating a nationwide money laundering case. The original cases in New Orleans spread to Boston, Massachusetts and Las Vegas, Nevada. One of the subjects of the investigation was Joseph DiFlumera. The cases resulted in arrests in January 1988 and shortly thereafter, Joseph DiFlumera, through his attorney, Henry Rigali from Springfield, Massachusetts began cooperating with the government. DiFlumera pled guilty and provided assistance relating to numerous subjects including Howard McNaughton, Anthony Silano and Mark Henrich. Silano and Henrich pled guilty and McNaughton was found guilty at trial. After the trial, DiFlumera continued to provide information and participated in at least two consensual recordings with individuals. These recordings did not result in prosecutions.

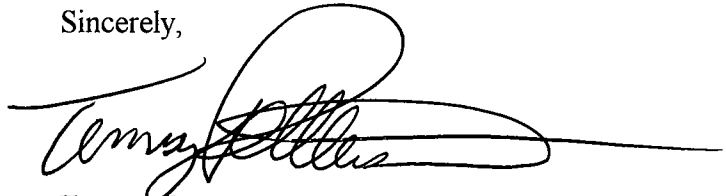
I introduced DiFlumera to several Special Agents with the Internal Revenue Service and the Federal Bureau of Investigation. It is my understanding that DiFlumera was helpful to these agents.

During the period that DiFlumera was cooperating with the government, he suffered from asthma attacks and was hospitalized on occasion.

I am aware that Joe DiFlumera is a family man and each year at Christmas, I receive a Christmas card with information about the well being of he and his family. I know that for many years he was the primary caretaker of his mother who has since passed away and he lost a daughter to cancer recently.

I am sorry to hear about Mr. DiFlumera's current legal problems and hope that this letter will be of assistance to you in your deliberations.

Sincerely,



Tommy Patterson

# THE INVESTIGATIVE GROUP, INC.

3939 Veterans Boulevard, Suite 215  
Metairie, LA 70002



Tommy Patterson, CFE  
Ann Cangelosi, CFE

*Licensed Private Investigators*

Tel.: 504-455-1955  
Fax: 504-455-1959

May 19, 2004

Honorable Nathaniel M. Gorton  
U. S. Courthouse Suite 5120  
1 Courthouse Way  
Boston, MA 02210

Dear Judge Gorton:

I am writing this letter on behalf of Mr. Joseph DiFlumera.

I was employed as an Internal Revenue Service Special Agent with the Criminal Investigation Division in New Orleans, Louisiana from 1981 until 1996. In 1987, I was one of the case agents investigating a nationwide money laundering case. The original cases in New Orleans spread to Boston, Massachusetts and Las Vegas, Nevada. One of the subjects of the investigation was Joseph DiFlumera. The cases resulted in arrests in January 1988 and shortly thereafter, Joseph DiFlumera, through his attorney, Henry Rigali from Springfield, Massachusetts began cooperating with the government. DiFlumera pled guilty and provided assistance relating to numerous subjects including Howard McNaughton, Anthony Silano and Mark Henrich. Silano and Henrich pled guilty and McNaughton was found guilty at trial. After the trial, DiFlumera continued to provide information and participated in at least two consensual recordings with individuals. These recordings did not result in prosecutions.

In approximately 1996, DiFlumera contacted me with information relating to the location of a reputed Mafia hitman in the Bahamas. I forwarded this information to Special Agent Charles McGinty, an associate of mine in the New Orleans office of the Federal Bureau of Investigation. Special Agent McGinty later advised me that the information provided by DiFlumera was crucial in the apprehension of the individual.

During the period that DiFlumera was cooperating with the government, he suffered from asthma attacks and was hospitalized on occasion.



I am aware that Joe DiFlumera is a family man and each year at Christmas, I receive a Christmas card with information about the well being of he and his family. I know that for many years he was the primary caretaker of his mother who has since passed away and he lost a daughter to cancer recently. DiFlumera has told me that he has a young grandson from his deceased daughter who is being cared for by one of his other daughters. This daughter is currently in remission from cancer.

I hope that this information will be of assistance in your determination of Mr. DiFlumera's future.

Sincerely,

A handwritten signature in cursive script that reads "Ann Cangelosi".

Ann Cangelosi

Letellier  
150 Maple Street  
Agawam, MA 01001

June 7, 2004

Honorable Nathaniel M. Gorton  
United States Federal Court  
1 Courthouse Way, Suite 5120  
Boston, MA 02210

RE: Joseph DiFlumera

Dear Honorable Judge Gorton:

I am writing this letter on behalf of Joseph DiFlumera whom I have known for over thirty years as a gentleman and a friend.

I am a retired police officer from Agawam, Massachusetts with thirty-five years on the job in a variety of positions. In my work as a police officer I have investigated all types of crimes, spoken to youth groups, and even developed a program in which residents of the county jail would speak with teenagers on how drugs and alcohol damaged their lives. Such straight talk really impressed the kids.

During the years, many of the people I have had to deal with have become friends. I have developed a trust among those I have helped over the years, especially teenagers, such that even today I still receive Thank Yous from the same youths and their parents.

Joseph DiFlumera has always been a gentleman throughout the years. At Christmas and Thanksgiving he would deliver baskets to local needy families without receiving any recognition or would purchase them and ask others, including myself, to deliver them anonymously.

When local charities or civic organizations would have fund raisers, Joe was their with supplies and assistance. I know this first hand. Joe and I were members of the Agawam Chapter of UNICO, an Italian civic and charitable organization. I was elected to be both local chapter President and a District Governor. Joe was always ready, willing and able to assist.

Joe has also been very active in union organizing. I first met Joe when my police department was attempting to unionize. This was not a welcome thing. Although not a police officer he successfully assisted my department in getting an independent union. This was a hard fought battle and Joe went out of his way to help our then 30 officers. He has also been very active in the National Food and Commercial Workers Union, a job which unfortunately took him away from his family for many days at a time but which helped many people.

Letellier  
150 Maple Street  
Agawam, MA 01001

Honorable Nathaniel M. Gorton  
June 7, 2004  
Page 2 of 2

Joe is a deeply religious man. When he is in Agawam he attends St. Anthony of Padua Church, where I am an active member. Again, he is generous to the church. He is a very strong family man and his grandchildren adore him and he loves to spoil them.

Everyone has a life of ups and downs. Joe has recently suffered the loss of a daughter who struggled with special needs her entire life. Joe and she were very close. Now Joe is 70 years old and has health problems of his own. I am asking for any considerations you could give to Joe in his current situation, acknowledging the good he has done for so many over the years.

Thank you for taking the time to read this.

Sincerely,

A handwritten signature in cursive script that reads "Terry".

Walter T. "Terry" Letellier

Richard J. Preis  
1103 Landers Street  
Ormond Beach, FL. 32174

May 27, 2004

Judge Nathaniel Gorton  
C/O Kelly, Libby and Hooper  
175 Federal Street 8th floor  
Boston, MA. 02110

Re: Joseph Diflumera

Dear Judge Gorton,

This letter is in regards to Joseph Diflumera, who I have personally known for approximately the past eight years. I have been a police officer for the past eighteen years and I also own a lawn and landscaping business in Ormond Beach, Florida, and Joseph has been a loyal customer of mine. He has always paid his account ahead of time. I have found him to be an honest customer and consider him a good friend.

Sincerely,



Richard J. Preis

JUDGE SIDNEY M. COOLEY  
1380 Main Street  
Springfield, MA 01103

May 24, 2004

KELLY, LIBBY & HOOPES, P.C.  
175 Federal Street  
Boston, MA 02110  
Attn: Paul Kelly, Esq.

**RE: JOSEPH DIFLUMERA**

Dear Attorney Kelly:

I have been asked to write a character reference letter on behalf of Joseph Diflumera. I am pleased to do so.

I have known Joe for a period in excess of twenty-five (25) years and consider him a friend.

I first met Joe Diflumera some twenty-five (25) or thirty (30) years ago when he was involved in labor negotiations with my brother, Attorney Edward B. Cooley, a specialist in labor relations.

All of my experiences with Mr. Diflumera have been positive. I know him as a caring individual who has always been helpful and extremely responsive to requests for assistance for worthwhile causes.

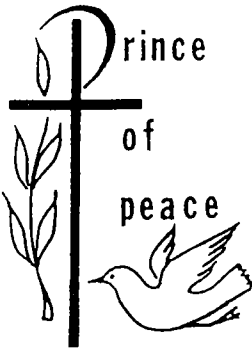
I am also aware of his deep involvement with Special Olympics and his devotion and dedication to his family and particularly his developmentally disabled child.

I believe that Joseph Diflumera is a very good person who is worthy of consideration in this present difficulties.

Very truly yours,

  
SIDNEY M. COOLEY

SMC/kk



*Prince of Peace Catholic Church*

*600 South Nova Road  
Ormond Beach, Florida 32174*

TELEPHONE 386-672-5272  
FAX 386-677-3224

June 11, 2004

Hon. Nathaniel M. Gorton  
John Joseph Moakley U.S. Courthouse  
Suite 5120  
1 Courthouse Way  
Boston, MA 02210

Dear Judge Norton,

Joe Di Flumera is known to me personally and is a faithful, attending, participating member of our Church since January 5, 1987. I have known him since 1995, when I became Pastor of this Church of Prince of Peace.

He is a dedicated family man, taking care of his Mom and Dad till they passed on and has two living daughters, Lisa, 36 in Massachusetts, and Laura, 37, who has Down Syndrome, and an older daughter, Barbara who was 41 when she passed away with cancer in 2001.

Joe is a sincere, honest man whom I count it a privilege and blessing to know and have as a member of our congregation.

Sincerely yours,

Thomas P. McMackin, Pastor

## GERMANNA RICHARD

---

Westbrook Heights Rest Home  
PO Box 580, Rte. 9 - Brookfield Road  
West Brookfield, MA 01585

May 11, 2004

Honorable Nathaniel M. Gorton  
US Courthouse, Suite 5120  
1 Courthouse Way  
Boston, MA 02210

Dear Judge Gorton,

I am writing this letter in support of Mr. Joseph DiFlumera, who is in fact, the only guardian for Ms. Jean Castagnaro. Jean has spent from April 14, 1983 to July 2, 1999 at The Catherine Rest Home in Worcester, MA, at which time, Mr. DiFlumera transferred Jean to the Westbrook Heights Rest Home, which is where she has resided for the past five years.

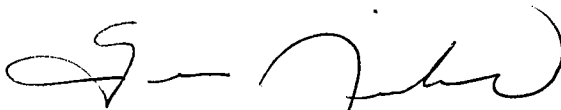
All of these years, Mr. DiFlumera has cared for her in the highest regard and made sure she has had the necessary items to have her live comfortably, such as: new clothing when needed, excellent medical care when needed, spending money, as well as, supplying her with "goodies", which are the cigarettes and snacks she so looks forward to him sending and bringing on a bi-monthly basis.

I can state factually that I have witnessed on many occasions Mr. DiFlumera being a truly good person, not only caring for Jean, but at times throughout the year, to the 29 clients that reside in this facility. Without Mr. DiFlumera, Jean would have no one!

I humbly ask that whatever you can do to continue the security and well being of Ms. Jean Castagnaro, through the efforts of Mr. DiFlumera, will be most appreciated by Jean, the clients and myself.

Thanking you in advance for your kindness, I remain

Sincerely yours,

A handwritten signature in dark ink, appearing to read "G. Richard", with a stylized flourish at the end.

Ms. Germaanna Richard, Owner  
Westbrook Heights Rest Home

# UNITED FOOD AND COMMERCIAL WORKERS UNION LOCAL 1459

33 EASTLAND STREET • SPRINGFIELD, MASS. 01109



SCOTT L. MACEY, *President*  
DAN CLIFFORD, *Sec-Treas.*

May 1, 2004

Mr. Paul Kelly, Esquire  
175 Federal Street  
Boston, MA 02110

## RECOMMENDATION: JOSEPH J. DIFLUMERA

Dear Attorney Kelly:

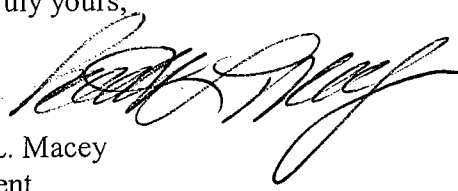
Mr. Joseph DiFlumera has distinguished himself as a true leader through his hard work ethics and his very special character. His resume and record of involvement in the Labor Movement all attest to the considerable breadth and depth of his personality and character.

Joe started his career at Stop & Shop as a part-timer and worked his way up to Grocery Manager. After ten (10) years with the Company, Joe became President and Chief Executive Officer of United Food and Commercial Workers Union (UFCW) Local 1459 from 1959 through 1976. I had the pleasure of working for Joe for a number of years as a Union Representative. His proven leadership skills and strength of character allowed him to effectively run Local 1459 and prepared him to further his career as Executive Assistant Organizing Director to former UFCW International President Douglas Dority. Most recently, Joe started the Northeast Labor Consultant Group. His energy and perseverance have allowed Joe to have founded such a distinguished organization.

Yes, Joe DiFlumera has it all! Honestly, strong work ethics, generosity and leadership skills, on top of all his work experience, Joe has maintained the healthy balance of work and strong family life.

I am convinced that Joe will continue to prove his hard work ethic and leadership skills in this position. Joseph J. DiFlumera is a man that deserves any and all considerations. I am pleased and proud to give him my highest and most sincere recommendation!

Very truly yours,

  
Scott L. Macey  
President

SLM:fah



415 North Halifax Drive  
Ormond Beach, Florida 32176  
December 8, 2005

re: Docket# 04-40002

The Honorable Nathaniel M. Gorton  
John Joseph Moakley U.S. Courthouse, Suite 5120  
Boston, Massachusetts 02210

Your Honor:

I am writing in behalf of Mr. Joseph J. Di Flumera, who soon will be appearing before you in court.

I have known Mr. Di Flumera for three years through our parish, Our Lady of Lourdes, where he attends Holy Mass daily. During that time I have known him not only as a devout member of the parish, but also I have observed him in his constant kindnesses to those less fortunate than he. Especially have I noticed his goodness to those who are disabled. He provides transportation for those who, otherwise would have difficulty in attending Church for the distance and/or personal inability. He sees to the needs of those around him, and he is particularly concerned with the well-being of all.

I know virtually nothing of the particulars for which Joseph will appear in court; however, I feel, in conscience, that I must ask your indulgence for the time that it takes to read my remarks. Given his health problems and age, I am praying that, if convicted, he may provide restitution to society in community service rather than in incarceration.

I realize that you do not know me personally and may wonder at my responsibility and sincerity; however, I was your Lieutenant-Governor's language arts teacher at Seabreeze High School in Daytona Beach, Florida, and I am certain that she would vouch for my character. My telephone number is (386) 677-0188.

Thank you for your kindness in reading my letter.

Respectfully in Our Lord,

Rev. Richard E. Grasso

## **EXHIBIT C**

LANCE M. DODES, M.D.  
SUITE 340D  
53 LANGLEY ROAD  
NEWTON CENTRE, MASSACHUSETTS 02459

May 23, 2004

## **Report on Joseph DiFlumera**

### **Introductory Information**

Mr. DiFlumera is a 69 year old married man who has entered into an agreement with the United States Attorney acknowledging illegal activity involving acceptance of funds. I was asked by Mr. DiFlumera's attorneys Kelly, Libby & Hoopes to evaluate Mr. DiFlumera with regard to whether he suffers with the diagnosis of Pathological Gambling, a diagnosis which, if present, would help explain Mr. DiFlumera's engagement in this illegal activity.

I interviewed Mr. DiFlumera at my office on May 21, 2004 upon referral from Kelly, Libby & Hoopes.

### **History of Pathological Gambling**

Mr. DiFlumera began gambling as a child, playing poker for pennies. He felt his gambling did not become a problem, however, until his mid thirties. His gambling was problematic enough that he worked several jobs in order to pay off his losses and have money to gamble. He had been married at 21 years old, but his wife divorced him in the 1970's when he was 42, saying she'd "had it" with his many financial losses coupled with his lying about his gambling and his drinking and other matters. (Notably, the couple have maintained a good relationship ever since the divorce.) By the early 1980's he had substantial credit lines at a number of casinos.

Mr. DiFlumera made many attempts to stop gambling over the years. Around 1983 he asked to have all his casino credit lines cancelled, to help him abstain from gambling. Still, he went to casinos several times a year when he became anxious. Gambling would help for a while, but his anxiety would inevitably return a few months later. He went to some meetings of Gamblers Anonymous, but did not like the groups. He talked to his priest about his gambling over many years, hoping to be helped to stop. His priest advised him to pray, which he said he did, regularly. However, this had little effect on his problem. He did not seek psychological help for his compulsion to gamble, unfortunately.

By the early 1990's Mr. DiFlumera was gambling heavily again. He had debts of close to \$100,000 and had to ask casinos in Las Vegas to allow him to pay off his debt over 90 days. At this point, he developed suicidal thoughts – one of two such periods in his life, each following major financial losses. At one of these times he made a suicide attempt, closing himself in his garage with his car's motor running. For a year and a half or so, his depression led him to abstain from gambling. Then Foxwoods Casino opened, creating a much easier venue than Atlantic City or Las Vegas. His gambling increased to even higher levels. If he was not winning at craps, he would change to blackjack to change

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his luck, and then to \$25 slot machines, and so forth. He spent weekends at Foxwoods, sleeping only 5 or 6 hours over the entire weekend. He sold watches and bracelets to have more money to gamble. He called upon friends to borrow money. When he won, he invariably paid back his debts. Later, he returned to the same people to bail him out again, since his credit with them was good.

### Diagnostic Criteria

A diagnosis of Pathological Gambling (diagnostic code 312.31 of the Diagnostic and Statistical Manual – the “DSM-4” – published by the American Psychiatric Association) is determined, according to the DSM-4, by “persistent and recurrent maladaptive gambling behavior as indicated by five (or more)” of a list of 10 possible indicators. Mr. DiFlumera’s history indicates that his gambling actually meets every one of the 10 criteria, as follows.

- *Preoccupation with gambling.* Mr. DiFlumera was preoccupied with gambling for decades. Trying *not* to think about gambling was a principal method he employed to stop gambling, but he was unable to do this for long.
- *Need to gamble with increasing amounts.* Mr. DiFlumera began gambling with modest amounts, but increased over the years to enormous sums, up to \$200,000 in a weekend.
- *Repeated unsuccessful efforts to control, cut down, or stop gambling.* Mr. DiFlumera tried to stop gambling many times. The longest he was able to achieve abstinence was 18 months. Each time he decided to stop, he told himself, “This is the last time I’ll gamble.”
- *Restlessness or irritability when attempting to cut down or stop gambling.* Mr. DiFlumera reported that when he tried to stop, he had trouble sleeping and that he became edgy and restless during the day.
- *Gambling as a way of relieving a dysphoric mood (e.g. feelings of helplessness, guilt, anxiety, depression).* As an example of this, Mr. DiFlumera reported that when his daughter was sick (she eventually died from cancer) he felt a greater need to go to a casino, thinking this would keep his mind off his daughter’s terminal illness.
- *Gambling to get even after losses (“chasing” one’s losses).* Chasing his losses was a regular feature of Mr. DiFlumera’s gambling over decades.
- *Lying to others to conceal the extent of his involvement with gambling.* Mr. DiFlumera lied to his wife “and everyone else” about the extent of his gambling and his losses. Indeed, he regularly told people that he won, when he had lost.
- *Committing illegal acts such as theft or embezzlement to finance gambling.* Mr. DiFlumera was clear in saying that he believes he did things that he considers wrong, and that if he had not gambled so excessively and

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had not had the resulting financial losses, he never would have acted in a way of which he is ashamed.

- *Jeopardizing or losing a significant relationship or career opportunity because of gambling.* Mr. DiFlumera's gambling contributed to the loss of his marriage.
- *Relying on others to provide money to relieve a desperate financial situation caused by gambling.* Mr. DiFlumera has been bailed out financially on many occasions by his ex-wife and friends. He still owes about \$20,000 to friends and relatives.

### **Personal History**

Mr. DiFlumera grew up in Milford, Massachusetts with both parents and a brother four years older. His brother suffered with epilepsy and died from pneumonia when Mr. DiFlumera was 9 years old. They had shared a room and slept in the same bed. Mr. DiFlumera said that his brother, possibly because he was chronically ill, had been favored by his parents – given gifts and candy that were not given to Mr. DiFlumera. He recalls a time when he was beaten by his grandmother when he tried to take one of the licorice candies given only to his brother. Mr. DiFlumera also reported that he was sexually abused as a child by an aunt and a babysitter. He was afraid to tell his parents about this. Mr. DiFlumera's father was a heavy drinker who hit Mr. DiFlumera and frightened him. It was not until after his brother's death that Mr. DiFlumera felt that he was really noticed by anyone in the family. Nonetheless, when he nearly drowned at about 11 years old, he recalls wishing that he would die.

Mr. DiFlumera drank heavily himself until he was involved in a motor vehicle accident in 1985, after which he drank in moderation. He denied use of other drugs at any time.

### **Mental Status**

Mr. DiFlumera was appropriately dressed, alert and attentive throughout the interview. There was no suggestion of a process thought disorder, delusions or hallucinations. He acknowledged a past history of suicidal ideation but denied those thoughts recently. His affect and his mood were calm. Intellectual function was grossly intact; he understood all questions put to him and was able to give a clear and coherent history.

### **Summary**

Mr. DiFlumera suffers with the DSM-4 diagnosis of Pathological Gambling, meeting every criterion for the condition. His illegal activities were associated with a need for money to finance increasing levels of compulsive


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gambling with its attendant losses. Such illegal acts are so common in Pathological Gambling that they are one of the criteria of its diagnosis.

It is also notable that Mr. DiFlumera does not have the attributes of people who are criminals because they are sociopathic. He has evident feelings of shame about his behavior, and throughout his life he has maintained close relationships with his children and even his ex-wife. Indeed, she posted bond for him recently. Such long-term caring relationships are not characteristic of sociopathy. Mr. DiFlumera's not having a diagnosis of sociopathy is consistent with his criminal activity being a result of Pathological Gambling.

### **Recommendation**

As in all addictions, compulsive gambling arises from deeper factors that create the seemingly nonsensical need to repeatedly perform a behavior despite its evidently self-destructive results. Mr. DiFlumera gave a history of very significant trauma during his childhood of the sort likely to produce psychiatric problems later in life. Unfortunately, he never sought psychiatric help. It would be helpful for Mr. DiFlumera to become involved in a psychotherapy to understand the emotional factors that underlie his compulsion to gamble.



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Former Director, Boston Center for Problem Gambling  
Board Certified in Psychiatry and in Addiction Psychiatry by the American Board of Psychiatry and Neurology  
Certified in Psychoanalysis by the American Psychoanalytic Association  
Assistant Clinical Professor of Psychiatry, Harvard Medical School

Curriculum Vitae

Lance M. Dodes, M.D.

**Curriculum Vitae****Lance M. Dodes, M.D.****Education**

1966 A.B.	Dartmouth College (Honors Biology Major)
1970 M.D.	Harvard Medical School

**Postdoctoral Training**

1970-1971	Intern, Rotating (Psychiatry, Medicine, Neurology), The Hospital of the University of Pennsylvania, Philadelphia
1971-1974	Resident, Psychiatry, Massachusetts Mental Health Center, Boston (Harvard)
Graduated 1991	The Boston Psychoanalytic Institute

**Licensure and Certification**

1972	Massachusetts License Registration
1977	Board certified by the American Board of Psychiatry and Neurology
1993	Certified in Psychoanalysis by the American Psychoanalytic Association
1993	Certified Addiction Specialist (in every addiction for which certification is available) by the American Academy of Health Providers in the Addictive Disorders
1994	Certified in Added Qualifications in Addiction Psychiatry by the American Board of Psychiatry and Neurology (Recertified 2003)

**Current Academic Appointments**

1986-present	Faculty, Extension Division, The Boston Psychoanalytic Society and Institute
1988-present	Faculty, Center for Addiction Studies, then Division on Addictions, Harvard Medical School
1992-present	Faculty, The Boston Psychoanalytic Institute
1993-present	Assistant Clinical Professor of Psychiatry, Harvard Medical School
2003-present	Faculty, Massachusetts Institute for Psychoanalysis
2004-present	Training and Supervising Analyst, The Boston Psychoanalytic Institute



Curriculum Vitae

Lance M. Dodes, M.D.

**Teaching****Boston Psychoanalytic Institute**

1989-present	Sole Teacher, "Psychoanalytic Views of Alcoholism and Substance Abuse" (Extension Division)
1992	Speaker, "Addictive Behavior: Psychodynamics and Treatment" (BPSI symposium)
1993	Teacher, Advanced Training Program
1994-1997	Teacher, Obsessive-Compulsive Neurosis course, (Guest Speaker 1998-2003)
1997	Speaker, Members Seminar, Boston Psychoanalytic Society
2000-2003	Teacher, Hysterical Neurosis course

**Local contributions**

1972-1979	Teacher for the Physical Diagnosis course for second year students, Tufts University School of Medicine and Harvard Medical School, at the Massachusetts Rehabilitation Hospital
1977-1979	Director and originator of the course "The Psychology of Medical Illness" for first and second year students at Tufts University School of Medicine,
1979-present	at the Massachusetts Rehabilitation Hospital Numerous invited teaching presentations, grand rounds and guest case conferences at: Boston College, Brockton Veterans Administration Hospital, McLean Hospital, Metropolitan State Hospital, Newton-Wellesley Hospital, Cambridge Hospital, Mount Auburn Hospital, Lindemann
Mental	Health Center, Bunker Hill Health Center, Massachusetts General Hospital, Westwood Lodge Hospital, Westborough State Hospital, South Shore Mental Health Center, among others.
1989	Leader, Clinical Workshop on Alcoholism,
"Treating	the Addictions" course (sponsored by Cambridge Hospital and the Harvard Center for Addiction Studies)
1994	Speaker, Peabody Society of the Harvard Medical School
1995-2003	Lecturer, Zinberg Fellowship Program, Division on



## Curriculum Vitae

Lance M. Dodes, M.D.

	Addictions, Harvard Medical School
1995	Panel member, Harvard Medical School Course on Addiction
1996	Panel member, "Addiction Medicine: A Course for Clinicians" offered by the Division on Addictions, Harvard Medical School
1996-present	Lecturer, "Introduction to Psychoanalysis," Boston College
1997	Speaker, Boston College Counseling Center and Wentworth Institute Counseling Center
1997	Speaker, Regional Conference, Massachusetts Council on Compulsive Gambling
1998-1999	Speaker, Models of Assessing and Treating Compulsive Gambling program (sponsored by the Massachusetts Council on Compulsive Gambling)
1998-2002	Lecturer, "Introduction to Psychoanalysis" course, Harvard University extension school
1999	Speaker, "Impulsivity and Compulsivity in Affective Disorders Conference," Mclean Hospital
Department	of Postgraduate And Continuing Education
1999	Lecturer and Workshop Leader, Workshop for Compulsive Gambling Counselors, Division on Addictions, Harvard Medical School
1999	Lecturer, "Psychopathology and Introduction to Clinical Psychiatry" course, Harvard Medical School

**Regional, National Contributions**

1978	Director and lecturer, Symposium on "Topics in the Psychology of Rehabilitation Medicine" (sponsored jointly by Massachusetts Rehabilitation Hospital and Tufts University School of Medicine)
1978	Speaker, National Convention of the Congress of Rehabilitation Medicine (New Orleans)
1985, 1989, 1991	Speaker, Discussion group on "The Substance Abusing Patient in Psychoanalysis and Psychotherapy", fall meeting of the American Psychoanalytic Association (New York City)
1991	Discussant, American Psychoanalytic Association symposium, "The Psychology of Addictive Behavior" (Seattle)
1992	Speaker, New Frontiers in Alcohol and Substance Abuse, sponsored by CME, Inc. and <i>The Psychiatric</i>

## Curriculum Vitae

Lance M. Dodes, M.D.

	<i>Times</i> (Chicago)
1993	Speaker and Moderator, Symposium on Compulsive Gambling (sponsored by the Massachusetts Council on Compulsive Gambling and the Center for Problem Gambling, Boston)
1996	Discussant, Alcoholism Committee, Massachusetts Psychiatric Society
1997	Sole guest, Mass. Department of Mental Health television program on compulsive gambling
1999, 2003	Lecturer, Speaker Program of the William Alanson White Psychoanalytic Institute (New York City)
2000	Guest Lecturer, Milwaukee Psychoanalytic Institute (Milwaukee, WI)
2001	Lecturer, American Psychological Association, Division 39, Connecticut chapter (New Haven)
2002	Speaker, Annual Psychoanalytic Conference, Canadian Psychoanalytic Society (Quebec English branch), Montreal
2002	Speaker, New Orleans Psychoanalytic Society
2003	Discussant, Annual meeting, American Association of Addiction Psychiatry (Las Vegas)
2003	Teacher, Mini-course on Psychoanalytic Understanding of Addiction, Massachusetts Institute for Psychoanalysis

**Advisory and supervisory responsibilities**

1978-1979	Supervisor, Psychiatry Residency Program, Tufts University School of Medicine
1979-1985	Supervisor, Psychiatry Residency Program, McLean Hospital
1986-1989	Teacher, Internship and Residency Program, Cambridge Hospital
1989-2001	Supervisor, Psychiatric Outpatient Department, Mount Auburn Hospital
2001-2003	Supervisor, Psychiatry Residency Program, St. Elizabeth's Hospital (Boston)
2003-present	Supervisor, Beth Israel Deaconess Medical Center

**Major Administrative Responsibilities**

1974-1979	Director of Psychiatry, Massachusetts Rehabilitation Hospital (now Spaulding Rehabilitation Hospital)
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## Curriculum Vitae

Lance M. Dodes, M.D.

1974-1991 Commission,	Psychiatric Consultant, Massachusetts Rehabilitation Disability Determination Service
1979-1985	Director, Appleton Treatment Center, McLean Hospital (The addiction treatment center)
1986-1989	Psychiatric Consultant, Alcoholism Program, Cambridge- Somerville Mental Health Center and Cambridge Hospital
1987- 1992	Psychiatric Educational Consultant, South Shore Council on Alcoholism (Quincy, MA)
1992	Acting Director, Outpatient Psychiatry, Mount Auburn Hospital
1995- present	Psychiatric Consultant, Federal Aviation Administration
1989- 2003	Director, The Boston Center for Problem Gambling (at Mount Auburn Hospital and at Brighton-Allston Mental Health Center)

**Current Major Committee Positions**

1986-present	Chairman, Discussion group on "The Substance Abusing Patient in Psychoanalysis and Psychotherapy." The American Psychoanalytic Association.
1998-2004	Co-Chairman, Members Seminar, The Boston Psychoanalytic Society

**Current Professional Societies**

1982-present	American Psychoanalytic Association (Affiliate Member 1982- 1993, Active Member 1993-)
1986-present	American Academy of Psychiatrists in Alcoholism and Addictions (Founding Member)
1991-present	Boston Psychoanalytic Society (Member)

**Editorial Work**

1992, 2000	Reviewer, <i>New England Journal of Medicine</i>
1993-present	Reviewer, <i>General Hospital Psychiatry</i>
1993-present	Reviewer, <i>American Journal on Addiction</i> Reviewer, <i>Bulletin of the Menninger Clinic</i>
1997-present	Editorial Board, <i>Journal of Gambling Studies</i>
2000-present	Reviewer, <i>American Journal of Drug and Alcohol Abuse</i>

**Awards and Honors**

Curriculum Vitae

Lance M. Dodes, M.D.

**Academic**

- 1966 Graduated from Dartmouth College with honors and "With Distinction" in the Honors Biology Major
- 1968 Dean's Medal (First in Class), Dartmouth Medical School

**Professional**

- 1994-5 Member, Blue Ribbon Committee on Compulsive Gambling, Massachusetts Medical Society (Participated in drafting the statement adopted by the American Medical Association)
- 1998 Invited contributor, *The Freud Encyclopedia*
- 1998 Selected National Advisor to the American Psychoanalytic Foundation for the development of their Internet site on Psychoanalysis and Alcoholism
- 2001 Selected by the Division on Addictions at Harvard Medical School for "Distinguished Contribution" to the study and treatment of addictive behavior
- 2003 Invited Editor, *Canadian Journal of Psychoanalysis*

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2. Kreek MJ, Dodes LM, Kane S, Knobler J, Martin R. Long Term Methadone Maintenance Therapy: Effects on Liver Function. *Annals Internal Medicine* 1972; 77:598-602.
3. Shader RI, Jackson AH, Dodes LM. The Anti-Aggressive Effects of Lithium in Man. *Psychopharmacologia*.1974; 40:17-24.
4. Dodes LM. Abstinence from Alcohol in Long-Term Individual Psychotherapy with Alcoholics. *American Journal Psychotherapy*1984; 38: 248-256.
5. Siexas F, Dodes LM. The Addiction Severity Index: A Clinical Note. *McLean Hospital Journal* 1987; 12:31-38.
6. Dodes LM The Psychology of Combining Dynamic Psychotherapy and Alcoholics Anonymous. *Bulletin of the Menninger Clinic* 1988; 52:283-293.
7. Dodes LM. Addiction, Helplessness, and Narcissistic Rage. *Psychoanalytic Quarterly* 1990; 59:398-419.
8. Dodes LM. Psychotherapy is Useful, Often Essential, for Alcoholics. *The Psychodynamic Letter* 1991; 1 (no. 2):4-7 (Invited paper).
9. Dodes LM. Compulsion and Addiction. *Journal of the American Psychoanalytic Association* 1996; 44:815-835.
10. Dodes, LM. Addiction and Psychoanalysis. *Canadian Journal of Psychoanalysis* 2003; 11:123-134.

**Book Review**

Dodes LM. Review of *Substance Abuse as Symptom, A Psychoanalytic Critique of Treatment Approaches and the Cultural Beliefs that Sustain Them* by Louis S. Berger. In: New England Journal of Medicine 1992; 326:1368-1369.

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2. Dodes LM, Khantzian EJ. Psychotherapy and Chemical Dependence. In: Ciraulo D, Shader R. editors. *Clinical Manual of Chemical Dependence*. Washington: American Psychiatric Press; 1991. p. 345-358.
3. Brehm N, Khantzian EJ, Dodes LM. Psychodynamic Approaches to Substance Abuse: An Update. In: Galanter M., editor. *Recent Developments in Alcoholism*, Volume 11. New York: Plenum; 1993.
4. Dodes LM, Khantzian EJ. Individual Psychodynamic Psychotherapy. In: Frances R, Miller S., editors. *Clinical Textbook of Addictive Disorders, Second Edition*. New York: Guilford; (in press, due 1998). p. 479-495.
5. Dodes LM Obsession and Compulsion. In: Erwin E, editor. *The Freud Encyclopedia*. New York: Routledge (2002).

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1. Dodes LM. Psychic Helplessness and the Psychology of Addiction. In: Dowling S, editor. *The Psychology and Treatment of Addictive Behavior*. Madison, CT: International Universities Press; 1995. P 133-162. (Workshop Series of the American Psychoanalytic Association, vol. 8),

**Books**

1. Dodes, LM. *The Heart of Addiction*; New York: HarperCollins (2002).